



DIVISION OF
ENFORCEMENT

UNITED STATES
SECURITIES AND EXCHANGE COMMISSION
WASHINGTON, D.C. 20549

March 15, 2024

BY EMAIL (payson@nywd.uscourts.gov)

Hon. Marian W. Payson
United States Magistrate Judge
100 State Street
Rochester, New York 14614

Re: SEC v. City of Rochester et al., Case No. 22-cv-6273-EAW-MWP

Dear Judge Payson,

We represent Plaintiff Securities and Exchange Commission ("SEC") in the above-referenced matter. We write to seek a three-week extension, or until April 5, 2024, for the SEC to challenge privilege assertions made by Defendant Capital Markets Advisors, LLC ("CMA") and to compel the production of documents withheld on the basis of privilege.

By way of background, Defendant CMA produced an 87-page privilege log by email at 8:40 p.m. on March 13, 2024, claiming privilege over several hundred documents (and potentially thousands of documents). The SEC believes that the overwhelming majority of the privilege assertions are in error and that the privilege log otherwise is unsupported and inadequate. The SEC attempted to meet and confer with counsel for CMA regarding the privilege log yesterday, March 14; however, due to the press of other business, counsel for CMA could not speak yesterday until approximately 6:00 p.m. That meet and confer was productive, and the SEC believes that the parties' differences may be resolved without Court involvement after CMA serves an amended privilege log and makes a further document production (which CMA has committed to do).

The current deadline for filing motions to compel paper discovery is today, March 15. ECF No. 93. Given that the SEC anticipates resolving this dispute over the privilege log without Court involvement, filing a motion to compel today may serve no purpose and likely unnecessarily would burden the Court. In addition, the SEC diligently raised and attempted to resolve the identified discovery dispute as soon as it became aware of the issue. For these reasons, the SEC respectfully requests an extension until April 5, 2024, to file any motion to compel documents withheld by CMA on the basis of

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privilege.¹ The undersigned has conferred with all counsel, including counsel for CMA. No party objects to this enlargement of the schedule.

Thank you for your consideration of this request.

Respectfully submitted,



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cc: All counsel (by email)

The request is granted. The deadline to file motions to compel paper discovery is extended to **April 5, 2024**. All other deadlines shall remain in full force and effect.

IT IS SO ORDERED.

s/Marian W. Payson

Hon. Marian W. Payson
United States Magistrate Judge

Dated: March 18, 2024

¹ The SEC respectfully requests a three-week extension, rather than a one-week or two-week extension, because the undersigned will be away from the office from March 21 until April 1 for other work and to attend his father's funeral in Washington State.